

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA

*Plaintiff,*

V.

0.094 ACRES OF LAND, MORE OR LESS,  
SITUATED IN HIDALGO COUNTY,  
TEXAS; AND EDIBERTO B. REYNA, JR.,  
ET AL.

*Defendant.*

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CASE NO. 7:08-CV-302

**UNITED STATES OF AMERICA’S SUPPLEMENTAL RESPONSE TO THE DISTRICT  
COURT’S ORDER FOR A CASE STATUS UPDATE**

**COMES NOW** the United States of America and files this supplemental response to the District Court's September 4, 2012, Order to inform the Court on the status of the case; inform the Court of any impediment to resolving the case; and, the prospects of resolution in the near future avers as follows:

The United States intended to file an Amended Declaration of Taking in the above-styled case by February 8, 2013. However, the United States is unable to file an Amended Declaration of Taking as it is still finalizing surveys for tracts identified in the Declaration of Taking (Docket No. 2) as RGV-MCS-1005-2 and RGV-MCS-1005E-1. The United States anticipates filing an Amended Declaration of Taking no later than March 11, 2013.

The United States requests that no scheduling order be issued by the Court in this case until such time as the United States has had a chance to file an Amended Declaration of Taking and determine if the case can be closed without Court intervention. Should Court intervention be

required to close this case, the United States will file a motion for status conference with the Court.

The United States Attorney's Office conferred with Landowners Ediberto Reyna and Linda Reyna via email today, February 8, 2013 and they are not opposed to the United States of America's request in this supplemental report.

**WHEREFORE**, premises considered, the United States prays the Court continue the suspension of deadlines in this matter pending final resolution of the Amended Declaration of Taking and any outstanding issues raised as a result of filing the Amended Declaration of Taking.

Respectfully submitted,

**KENNETH MAGIDSON**  
United States Attorney  
Southern District of Texas

By: *s/ E. Paxton Warner*  
**E. PAXTON WARNER**  
Assistant United States Attorney  
Southern District of Texas No. 555957  
Texas Bar No. 24003139  
600 E. Harrison, Suite 201  
Brownsville, TX 78520  
Telephone: (956) 548-2554  
Facsimile: (956) 548-2776  
E-mail: [Paxton.Warner@usdoj.gov](mailto:Paxton.Warner@usdoj.gov)

**CERTIFICATE OF SERVICE**

I, E. Paxton Warner, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on February 8, 2013, I mailed a true and correct copy of the foregoing document via certified mail to the all parties still remaining in this case.

By: *s/ E. Paxton Warner*  
**E. PAXTON WARNER**  
Assistant United States Attorney